

Amendment and Response

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*Serial No.: 10/000,057**Confirmation No.: 9505**Filed: November 1, 2001**For: ABRASION RESISTANT COATING FOR STACKS OF FIBER CEMENT SIDING*

Remarks

The Office Action mailed December 3, 2003 has been received and reviewed. Claims 17-19, and 21 having been amended, claims 1-16, 20, and 22-30 having been canceled, and claims 31-50 having been added, the pending claims are claims 17-19, 21, and 31-50. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the amendments to claims 17-19 can be found in Applicants' specification at page 6, lines 20-21, page 9, lines 1-5, original claim 18, and in Examples 1 and 2.

Support for the amendment to claim 21 can be found at page 6, lines 7-10 and page 8, lines 24-26.

Support for new claims 31-32 can be found at page 9, lines 3-5.

Support for new claim 33 can be found at page 9, lines 6-7.

Support for new claims 34-41 can be found at page 6, lines 7-10 and page 8, lines 24-26.

Support for new claim 42 can be found at page 7, line 13.

Support for new claims 43-45 can be found at page 7, lines 24-26.

Support for new claims 46-48 can be found at page 7, line 28 through page 8, line 2.

Support for new claims 49 and 50 can be found at page 8, lines 16-18.

Support for the amendment to the paragraph beginning at page 8, line 27 can be found in original claim 18.

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claim 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserted that the term "acceptable appearance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Although Applicants do not agree with the Examiner, claim 20 having been canceled, this rejection is rendered moot. This has been done solely in the

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interest of expediting prosecution. Applicants reserve the right to pursue claims with this language and present appropriate argument in a continuing application.

The 35 U.S.C. §102 & §103 Rejections

The Examiner rejected claims 17-18 and 20-25 under 35 U.S.C. §102(b) as being anticipated by Takahashi et al. (U.S. Patent No. 5,928,778). In addition, claims 17-18 and 20-25 were rejected under U.S.C. 102(e) as being anticipated by Takahashi (U.S. Patent No. 6,103,352).

The Examiner rejected claims 17-18 and 20-25 under 35 U.S.C. §103(a) as being unpatentable over Pears et al. (U.S. Patent No. 6,395,827) in view of Pears et al. (U.S. Patent No. 5,147,925).

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over each of Takahashi '778 and '352 in view of Harper et al. (U.S. Patent No. 4,637,860).

Furthermore, the Examiner also rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over Pears et al. '827 in view of Pears et al. '925 as applied to claims 17-18 and 20-25 above, and further in view of Harper et al. '860.

These rejections are rendered moot. None of the cited art, alone or in any combination, teaches or suggests a method of making a fiberboard cement product where the topcoat layer is coated out of a polyurethane dispersion, which is cured with a thermal curing process that does not expose siding to a board surface temperature in excess of 100 °C.

Applicants point out at page 2, lines 16-22 of their specification some of the problems associated with coating fiberboard cement products in a thermal cure process.

Clear coat systems have been used over wood or wood composite substrates. These systems often are "bake finishes" that require heating to a board surface temperature above about 100 °C, more typically above about 150 °C. Unfortunately, fiber cement

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has very poor heat transfer characteristics compared to traditional wood or wood composite siding and would require long heat up and cooling times compared to traditional siding substrates. Many pre-finishing lines do not have the oven capacity required to economically process such baked finishes.

Surprisingly, Applicants have devised a low temperature topcoat layer curing process. As they point out at page 6, lines 7-12 of their specification:

It has been discovered that applying a low temperature cure topcoat (preferably having a dry thickness of, for example, as low as about 5 microns, preferably at least 7 microns, more preferably at least 8 microns, and most preferably at least 10 microns) to a painted or finished fiber cement substrate provides a protective (or in some instances sacrificial) layer that imparts a significant improvement in mar (e.g., scratch) and abrasion resistance to the overall siding.

Thus, it is respectfully submitted that the presently claimed process is neither taught nor suggested by the cited documents.

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It is respectfully submitted that the pending claims 17-19, 21, and 31-50 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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February 25, 2004

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of FEBRUARY, 2004, at 10:34 AM (Central Time).

By: Sam HerName: SAM HER